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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/897,722	07/02/2001	Matthias Vierthaler	Micronas.6198	8165
7590	05/12/2005		EXAMINER	
PATRICK J. O'SHEA O'SHEA, GETZ & KOSAKOWSKI, P.C. 1500 MAIN STREET SUITE 912 SPRINGFIELD, MA 01115			KIM, KEVIN	
			ART UNIT	PAPER NUMBER
			2634	
			DATE MAILED: 05/12/2005	

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/897,722	VIERTHALER ET AL.
	Examiner Kevin Y. Kim	Art Unit 2634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 03 February 2005.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-19 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-19 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 03 February 2005 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date _____

4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____
 5) Notice of Informal Patent Application (PTO-152)
 6) Other: _____

DETAILED ACTION

Response to Amendments

1. Applicant's amendments overcame the rejection as set forth in the previous Office action. Therefore, the rejection has been withdrawn. However, upon further consideration, some of the claim languages are found to be ambiguous, thus violating the second paragraph of 35 U.S.C.112 as set forth below.

Claim Objections

2. Claim 16 is objected to because of the following informalities: On line 2 "an" should be changed to --a--. Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1.

The followings lack a positive antecedent basis.

- 1) on line 4, "the gain" and "the portion"
- 2) on line 12, "the signal"

Claim 7.

- 1) on line 2, “a frequency value” should be “the frequency value” as it refers back to the term in claim 1.

Claim 10.

The followings lack a positive antecedent basis.

- 1) on line 4, “the gain” and “the portion”
- 2) on line 14, “the signal” and “said information signal”
- 3) on line 19, “a third” should be “a second”

Claim 11.

The followings lack a positive antecedent basis.

- 1) on line 11, “the signal”
- 2) on line 12, “said information signal”
- 3) on line 16, “said information signal”
- 4) on line 18, “said information signal”
- 5) on line 21, “said information signal”
- 6) on line 24, “said information signal”

Claim 12.

The followings lack a positive antecedent basis.

- 1) on line 3, “said information signal”

Claim 13.

The followings lack a positive antecedent basis.

- 1) on line 3, “said information signal”

Claim 14.

The followings lack a positive antecedent basis.

- 1) on line 2, “said information signal”
- 2) on line 3, “a second spectral region” should be “the second spectral region” as it refers back to the term in claim 11.

Claim 17.

The followings lack a positive antecedent basis.

- 1) on line 1, “said first and second gain control means” because there is only one gain control means has been recited in its preceding claims.

Claim 18.

- 1) “said amplifiers” lacks a positive antecedent basis.

Allowable Subject Matter

5. Claims 1-19 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Y. Kim whose telephone number is 571-272-3039. The examiner can normally be reached on 8AM --5PM M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Chin can be reached on 571-272-3056. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

kvk

KEVIN KIM
PATENT EXAMINER

